

1 HONORABLE RONALD B. LEIGHTON  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT TACOMA

10 STEVEN ALLEN MCCRACKEN,

11 v. Petitioner,

12 UNITED STATES OF AMERICA,

13 Respondent.

14 CASE NO. C16-5468 RBL

15 ORDER DENYING CERTIFICATE OF  
16 APPEALABILITY

17 THIS MATTER is before the Court on limited remand from the Ninth Circuit to address  
18 whether Petitioner McCracken is entitled to a Certificate of Appealability [Dkt. # 55].

19 The Court should grant an application for a Certificate of Appealability only if the  
20 petitioner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. §  
21 2253(c)(2). To obtain a Certificate of Appealability under 28 U.S.C. § 2253(c), a habeas  
22 petitioner must make a showing that reasonable jurists could debate whether, or agree that, the  
23 petition should have been resolved in a different manner or that the issues presented were  
24 adequate to deserve encouragement to proceed further. *Slack v. McDaniel*, 120 S.Ct. 1595, 1603-  
04 (2000) (*quoting Barefoot v. Estelle*, 463 U.S. 880, 893 n.4 (1983)).

1 McCracken has not made such a showing in any of his six motions to re-open his case.

2 See also this Court's prior Order declining to issue a Certificate [Dkt. # 30]. The Court will not  
3 issue a Certificate of Appealability.

4 IT IS SO ORDERED.

5 Dated this 27<sup>th</sup> day of February, 2019.

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8 Ronald B. Leighton  
9 United States District Judge

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